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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 WILBUR PITTMAN,

12 Plaintiff,

No. CIV S-08-2930 CMK P

13 vs.

14 M. MARTEL,

15 Defendant.

ORDER

16 _____/
17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
18 to 42 U.S.C. § 1983. Plaintiff has not submitted a request to proceed in forma pauperis.

19 The federal venue statute requires that a civil action, other than one based on
20 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
21 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
22 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
23 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
24 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

25 In this case, none of the defendants reside in this district. The claim arose in
26 Riverside County, which is in the Central District of California. Therefore, plaintiff’s claim

1 should have been filed in the United States District Court for the Central District of California.
2 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
3 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
4 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
6 United States District Court for the Central District of California.

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8 DATED: December 9, 2008

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10 **CRAIG M. KELLISON**
11 UNITED STATES MAGISTRATE JUDGE
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